

**Government of the District of Columbia**  
**ZONING COMMISSION**



**ZONING COMMISSION ORDER NO. 871-A**  
**Case No. 01-04M/98-12M/88-32C**  
**(Modification to PUD for 1616 Rhode Island Avenue, N.W.**  
**The Human Rights Campaign – "HRC")**  
**September 17, 2001**

On November 13, 1989, by Zoning Commission Order No. 638, the Zoning Commission approved a planned unit development (PUD) and map amendment from SP-2 to C-4 for property at 1616 Rhode Island Avenue, N.W. The subject property in that case included current Lot 83 as well as Lot 82 (both lots then Lot 824) in Square 182, having a land area of 32,726 square feet. The approval was for a single building to be devoted to residential, office and retail uses with a height of 106 feet. The approved density was 8.5 FAR, with 6.86 FAR to be devoted to office and limited retail uses and 1.64 FAR for residential use, together with 125 parking spaces for commercial uses plus one space for each dwelling unit.

In the 1990s, a series of time extensions and modifications to the PUD were approved in Zoning Commission Orders numbered 638-A through 638-E. The most significant modification was adopted in Zoning Commission Case No. 98-12M (Order No. 638-F dated December 14, 1998, which appeared in the *D.C. Register* as Order No. 871). This is the current PUD approval for the site. In that case, the property owner, Rhode Island Associates Limited Partnership, applied for the PUD Modification on behalf of two contract purchasers of different parts of the subject property, who proposed to build separate buildings on separate lots. The University of California received approval to construct a mixed-use building including academic, office and residential uses on the easternmost part of the PUD site. The Homestead Village, Inc., was granted approval to construct an inn on the westernmost part of the original PUD site, now Lot 82.

The approved combined density for the two new PUD lots was reduced to 8.2 FAR, with 3.05 FAR allocated to residential uses and 5.15 FAR for academic, office and hotel uses. Parking was reduced to 44 spaces for the University building and 57 spaces for the inn. The University of California building proceeded to construction, which is now nearing completion. The Homestead Inn decided not to build the approved inn on the western lot.

In 2000, the Human Rights Campaign (HRC) and its affiliate, the Human Rights Campaign Foundation, entered into a contract to purchase Lot 82. In February 2001,

HRC filed an application to modify the portion of the PUD affecting Lot 82 so as to change the allowed use from inn to office building and substitute a new design and plans generally. The public hearing was conducted on July 12, 2001, at which time the Zoning Commission also deliberated the case and requested additional information from the Applicant.

HRC, however, encountered a major obstacle in the form unanticipated construction cost bids to build the building. These were significantly higher than previous estimates and made the project financially infeasible for HRC. Upon beginning marketing the subject property, HRC received an offer from a hotel developer who would like to utilize the approval for hotel or inn use as it exists in Order No. 638-F. HRC's closing date is October 11, 2001. HRC submitted a letter to the Zoning Commission dated September 12, requesting that the Zoning Commission table its decision on HRC's office modification and instead grant a one-year extension of the existing PUD Order No. 638-F. The extension would provide HRC the opportunity to finalize a contract with a hotel developer to purchase the site from HRC and develop a hotel pursuant to the previous PUD modification approval.

Pursuant to Section 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request being made before the expiration of the approval.

On September 17, 2001, at its regular monthly meeting, the Commission considered the Applicant's request for a one-year extension of the existing PUD Order and voted to grant it. The Commission also tabled any action on the HRC application for a PUD modification. The Commission received a letter expressing general support from the single-member district representative of Advisory Neighborhood Commission (ANC) 2B, but no official position from the full ANC.


The Commission determined that an extension of the existing PUD is reasonable and would not adversely affect any party. The Commission believes that the applicant proceeded in good faith and encountered an unexpected financial obstacle making construction and occupancy of the office headquarters as proposed infeasible. The Commission also notes that both the Comprehensive Plan designation and the zoning for the site have remained the same since the Commission's 1998 PUD modification.


The Commission believes that its proposed action to grant the extension is in the best interests of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order No. 638-F be **EXTENDED** until December 31, 2002. Prior to the expiration of that time, the developer shall file an application for a building permit, as specified in 11 DCMR § 2406.8 and construction shall start on or before December 31, 2003.

This Order was adopted by the Zoning Commission at its public meeting on September 17, 2001, by a vote of 5-0-0 (Anthony J. Hood, John G. Parsons, Carol J. Mitten, Peter G. May and James H. Hannaham to **ADOPT**).

In accordance with 11 DCMR § 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on **OCT 12 2001**.

  
CAROL J. MITTEN  
Chairman  
Zoning Commission

  
JERRILY R. KRESS, FAIA  
Director  
Office of Zoning